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SUBJECT: ANOTHER ROUND OF HUMAN RIGHTS DIALOGUES IN HANOI

Reftels: A) 04 Hanoi 3417, B) HCMC 493

1. (SBU) Summary: The Government of Vietnam (GVN) has recently begun new human rights dialogues with Switzerland and the Delegation of the European Commission to Vietnam and held a round of its semi-annual dialogue with the European Union. Both of the new dialogues focused largely on confidence building for future, more substantive sessions. Switzerland will place a full-time "human security" officer in its Hanoi Embassy. The GVN and EC discussed joining the International Criminal Court and the rendition of illegal aliens during part of their dialogue. The European Union dialogue included a discussion on new Vietnamese laws on religion and assembly. The Vietnamese queried the EU about European laws restricting the rights of foreigners and noted they are considering signing the International Convention against Torture. End Summary.

Switzerland

2. (U) Switzerland resumed its previously suspended human rights dialogue with Vietnam in Hanoi May 16 to 18. This was the third time the two countries have held a dialogue, and the first after a six-year hiatus. The Swiss had discontinued the dialogues in 1999 after two rounds due to a lack of funds. In 2003, the GVN approached the Swiss with a request to restart the dialogue.

3. (SBU) Ambassador Thomas Greminger, Head of the Human Security Division of the Swiss Department of Foreign Affairs, told Poloff that this first round of the resumed dialogue had been largely about confidence building and looking for areas where Swiss assistance could best be targeted in Vietnam. On the first day of the dialogue, the Swiss delegation met in succession with representatives of the Ministry of Foreign Affairs (MFA), the Ministry of Public Security (MPS) and the National Assembly. Greminger described the MFA discussions as covering a range of issues, with the GVN diplomats giving "very polished" responses to Swiss questions. Greminger was also impressed by his discussions with Nguyen Si Dzong, Vice Chairman of the Office of the National Assembly. This was in stark contrast to the MPS, where their counterpart, whom Greminger described as a "director" but could not recall the name, expressed views that "would not be considered politically correct." Much of this discussion apparently dealt with Vietnam's Central Highlands, with the MPS commenting on religious issues and "American involvement" in unrest.

4. (SBU) The Swiss Delegation spent its second day visiting Women's Union-funded legal aid programs in and around Hanoi. The Swiss diplomats commented only on the extreme heat of the meeting rooms. When they met with Poloff, the group still had a final plenary session remaining with the MFA, and Greminger suggested that they might explore women's rights and ethnic minority rights as focus areas for cooperation. Switzerland also plans to post a full-time "human security" officer in its Embassy in Hanoi, starting this July. This position will be funded directly by the Human Security Division in Bern and will be the only member of Hanoi's diplomatic corps focusing solely on human rights issues.

European Union

5. (SBU) The European Union held its working level dialogue session June 7. The EU holds two human rights dialogue sessions each year: a working level session between Troika Ambassadors and the MFA International Organizations Department, and a plenary session at the end of the year with representatives from a number of GVN ministries. Both the EU and the GVN identify in advance issues they wish to have discussed at the dialogues. In the June session, the EU raised the issues of respect for fundamental freedoms, persons of concern, ethnic minorities and the Central Highlands and the death penalty. The Vietnamese identified discrimination against foreigners in Europe and areas for technical cooperation as discussion subjects.

6. (SBU) A Dutch Embassy officer told Poloff that, on the

issue of fundamental freedoms, the EU brought up concerns about recent Vietnamese legislation on national security, public order and religion. (Note: The Netherlands is serving as representative of the EU President in Hanoi as Luxembourg has no diplomatic presence here. End note.) On persons of concern, the exchange was "the usual kabuki" of the GVN's accepting a list of cases but stating that there are no prisoners of conscience in Vietnam. The Dutch officer expressed disappointment that the GVN provided no information on Baptist preacher Than Van Truong, who is being kept in a mental hospital in Dong Nai Province (ref. B), despite the EU's highlighting his case in advance of the dialogue. On the Central Highlands, the EU discussed its plans to focus development aid toward the region and pressed for responses to their previous inquiries about the trials of ethnic minorities accused of separatist activities. On the death penalty, the Dutch officer said the MFA had acknowledged it was pressing the Government to declassify statistics on death penalty implementation. (Note: The statistics were made a State secret by decision of the Prime Minister in January 2004 after Vietnam was criticized by human rights groups for excessive use of capital punishment. End note.)

17. (SBU) In a Vietnamese-led discussion on the issue of discrimination against foreigners, the MFA queried the EU representatives about laws in certain EU member states, especially anti-terror legislation, that they believed unfairly targeted non-Europeans. A European Commission diplomat commented that it seemed the Vietnamese did not really understand the laws, but had simply "trolled the web" for something to bring up in the dialogue. Nonetheless, the EU promised to respond to the Vietnamese concerns in writing, hoping this would elicit a similar response to the inquiries they had directed at the GVN. The GVN also requested EU assistance in holding seminars for Vietnamese Government officials on how to ensure domestic policies are in line with human rights obligations of international treaties to which Vietnam has acceded. The GVN noted that they are still studying the possibility of signing the International Convention against Torture.

European Commission

18. (SBU) The Delegation of the European Commission began its bilateral "Subgroup for Cooperation on Issues Regarding Governance and Human Rights" with a meeting on June 17. A European Commission diplomat explained to Poloff that the original 1995 Terms of Reference for cooperation between the European Commission and GVN stated that "human rights is a fundamental principle" for bilateral interaction. As a result, European Parliament members pushed the EC to more actively engage the GVN on human rights issues. The GVN identified the Ministry of Justice (MOJ) as the EC's principal counterpart for the subgroup, and MOJ bureaucracy and nervousness to engage on these issues had delayed the start of the subgroup for several years, the EC diplomat recounted. Also present at this year's meeting were representatives of the MFA, National Assembly, Ministry of Public Security, Committee for Religious Affairs and Supreme People's Procuracy. The subgroup plans to meet annually.

19. (SBU) In the meeting, the subgroup addressed four issues: the International Criminal Court (ICC), development of civil society and regulation of religious freedom (identified by the EC) and Vietnamese guest workers in Europe (identified by the GVN). The EC agreed to host a seminar on the ICC for GVN leaders and to consider a study trip to visit the Court in The Hague. The GVN did not explain what difficulties it has in joining the ICC, but noted that other "bilateral agreements" are an issue. On development of civil society, the GVN queried the EC about how Europeans regulate civil society groups on financial grounds and from a security standpoint. The GVN explained new regulations for religious freedom "in general terms" and requested to keep it on the agenda for next year's session as it anticipated a number of developments over the coming year. On guest workers, the GVN expressed concerns about Vietnamese workers abroad overstaying their visas. They proposed a separate group meet regularly on migration issues, with a particular focus on the mechanics of rendition of Vietnamese who are living illegally in the EU.

Norway and Canada - Delayed

110. (SBU) Australia had planned its annual dialogue for May, but Canberra delayed this due to other commitments. They are now hoping to set a new date in September. Norway's annual dialogue will be held in October this year.

Comment

111. (SBU) We were please to see both the European Union and European Commission engage the Vietnamese on religious

freedom. Until recently, other embassies had generally treated religious issues only as a continuation of freedom of assembly. Also positive is that the GVN reportedly indicated to the EC that it would like to keep religious freedom on the agenda for next year as "significant developments" are expected between now and then. End Comment.

BOARDMAN